United Nations S/AC.37/2002/53

Security Council

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23 May 2002

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 21 May 2002 from the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Jamaica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to the latter's note dated 7 March 2002 concerning the submission of reports on the steps taken by individual member Governments in respect of Osama bin Laden and members of the Al-Qaida organization, as well as the Taliban and other individuals, groups, undertakings and entities associated with them.

In accordance with the mandate of the stipulated paragraphs, the Permanent Mission of Jamaica is pleased to submit herewith the report of the Government of Jamaica to the Committee (see annex).

02-39878 (E) 280502

Annex to the note verbale dated 21 May 2002 from the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Committee

Report of the Government of Jamaica to the Security Council Committee established pursuant to Resolution 1267 (1999) on Afghanistan

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Implementation of Security Council Resolution 1390 (2002) by the Government of Jamaica

Pursuant to paragraph 6 of Security Council resolution 1390 (2002), the Committee is being informed of the steps taken by the Government of Jamaica to implement the measures contained in the resolution.

Jamaica is committed to the international fight against terrorism and reaffirms its support of Security Council resolution 1267 (1999), as well as resolution 1390 (2002), which recalls the obligation of all United Nations member countries to implement in full resolution 1373 (2001) to combat terrorism.

Paragraph 2(a)

Asset Freeze

Jamaica has no specific legislation which would cover the freezing of the assets of Osama Bin Laden, members of the Al-Qaida and Taliban organizations, and individuals, groups, undertakings and entities associated with them, who have participated in the financing, planning, facilitating and preparation of terrorist acts or in supporting terrorist acts.

The only provision relating to the freezing, restraining, forfeiture and seizure of assets for criminal offences applies to drug related offences, under the Drugs Offences (Forfeiture of Proceeds) Act. The Act in its present form can only operate where a person has at least been charged with an offence, in which case the assets can be frozen pending the outcome of the trial, consistent with constitutional rights. The Constitution does not allow for civil forfeiture. In addition, it is likely that an attempt to freeze the assets of someone who has not been charged with an offence in Jamaica, would not succeed in our courts, due to constitutional guarantees. The scope of the Act will have to be extended for Jamaica to implement the measures of paragraph 2(a), with an attendant change in title.

As part of its responsibilities to ensure that banks do not allow funds to be used for illegal purposes, which can include terrorist activities and financing of terrorist activities, the Bank of Jamaica, in its role as the central bank, makes regular inspections of financial institutions and provides updates within the financial sector on the lists of persons, groups or organizations which support terrorism, as issued by the Security Council. To date, investigations have revealed no assets belonging to any of the listed parties.

The Bank is charged, under the Money Laundering Act (1996), with issuing guidelines as to the operation and procedures to prevent money laundering activities and the use of the proceeds of crime. The Act does not cover terrorism financing.

Currently, the financing of terrorist activities is not a criminal offence and there is no specific legislation dealing solely with terrorism and terrorist offences. However, offences which lead to injury, loss of life or damage to property, are punishable by common law or by statute. Section 2(f) of the Offences Against the Persons Act makes reference to murder in the course of or furtherance of an act of terrorism.

Paragraph 2(b)

Travel Ban

The Ministry of National Security and its related agencies and departments are alert to the Government's obligation to prevent the persons identified from entering or transiting through Jamaica. The Chief Immigration Officer keeps personnel at entry ports updated on the lists issued by the United Nations.

Jamaica has strengthened security at all ports of entry. The Civil Aviation Authority, the Port Authority of Jamaica and the national airline have tightened security procedures to prevent the listed terrorist organizations from entering or transiting through Jamaica.

Once the identities of such persons are known, action can be taken to bar their entry into Jamaica or to have them removed, on the basis that such persons represent a threat to national security or that their presence is not conducive to public good. The relevant legislation is the Aliens Act. Under the Aliens Act - Sections 5 and 6 – the Minister of National Security can issue a Landing Order to prevent such persons from landing in Jamaica. Deportation Orders can also be issued against them under Section 15 of the Act. Currently, it would be possible to extradite persons under the Extradition Act for any serious offence, such as murder or serious injury to persons, which might have been committed during a terrorist act.

Paragraph 2(c)

Arms, Ammunition and other Weapons

The Firearm Act regulates the importation, export, transshipment, sale and ownership of firearm and ammunition. Dealers in firearms are also registered and controlled under the Act and possession of a firearm without a licence is an offence with penalties ranging from five (5) years to life imprisonment.

Jamaica does not manufacture weapons, ammunition or other weapons of destruction. Jamaica has signed the 1997 Inter-American Convention Against Illicit Manufacture and Trafficking in Weapons, Munitions, Explosives and Related Materials and the United Nations Convention Against Transnational Organised Crime and its related protocols. Steps are to being taken to ratify and implement both Conventions.

Paragraph 4

Obligation to Implement resolution 1373 (2001)

The Government of Jamaica is cooperating with the United Nations Counter-Terrorism Committee in the implementation of resolution 1373 (2001) and has submitted its report to the Committee. In line with the obligations under the resolution, the Government has stated its intention to develop a framework of legislative and administrative measures to comprehensively address terrorist activity and engage in international cooperation to counter terrorism. It has established an Inter-Ministerial Committee on Terrorism, chaired by the Ministry of National Security. This Committee has established a Legal Sub-Committee comprising representatives of all government legal departments, including the Director of Public Prosecutions, the Legal Reform Department and the Bank of Jamaica, to examine the United Nations anti-terrorism instruments and resolutions, identifying the legislative action which is required for their implementation.

Paragraphs 7 and 8

Cooperation with the Committee and the Monitoring Group

Jamaica is cooperating with the Committee and the Monitoring Group set up pursuant to paragraph 4(a) of resolution 1363 (2001) by providing information on the steps taken by the Government of Jamaica to implement resolution 1390 (2002). The Bank of Jamaica has carried out investigations in the financial sector and found no accounts/assets belonging to Osama bin Laden, Al-Qaida and the other listed terrorist entities. The Bank makes regular checks in the financial sector and should any such accounts be

found, the Government will use existing measures to prevent such accounts from being accessed and to freeze the accounts. There are, however, no enforcement actions to report to the Committee, as stipulated in paragraph 2 of resolution 1390 (2002).

The Government is currently reviewing the Drug Offences (Forfeiture of Proceeds) Act to allow provision relating to the freezing, restraining and forfeiture of funds and other financial or economic assets of persons committing or supporting, aiding and abetting terrorist acts, or entities owned or controlled by such persons.

The Government is considering possible amendment to Section 2 of the Money Laundering Act to expand the schedule of specified or predicate offences, so as to include terrorism and its associated practices and to specify appropriate penalties.

The Extradition Act and the Mutual Legal Assistance (Criminal Matters) Act will also be amended to cover terrorist offences, including the financing of terrorism.

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Security Council

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24 May 2002
English
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 22 May 2002 from the Permanent Mission of the Republic of Madagascar to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Madagascar to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, further to the note dated 7 March 2002, has the honour to transmit to him the following information in connection with the request contained in Council resolution 1390 (2002), in particular paragraphs 2, 6 and 8:

1. The Republic of Madagascar has no relations with the Taliban or with any member of the al-Qa'idah organization or other individuals, groups, undertakings or entities associated with them.

2. To date, the Republic of Madagascar has not identified any accounts or financial assets belonging to such persons or groups.

3. The individuals and groups referred to in resolution 1390 (2002) are forbidden entry into and transit through the territory of Madagascar.

4. With regard to the direct or indirect supply, sale or transfer of arms and related materiel of all types referred to in paragraph 2 (c) of resolution 1390 (2002), the Mission would like to confirm the substance of its note of 7 June 2001.

02-40061 (E) 280502 280502

United Nations S/AC.37/2002/55

Security Council

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30 May 2002
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 28 May 2002 from the Permanent Mission of the People's Republic of China to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to submit the attached report on the measures that China has taken to implement resolution 1390 (2002) (see annex).

02-40488 (E) 030602 030602

Annex

Report by China on the implementation of Security Council resolution 1390 (2002)

[Original: Chinese]

Following the adoption by the Security Council of resolution 1390 (2002) of 15 January 2002, the Ministry of Foreign Affairs of China, acting in accordance with national laws and regulations, issued a circular to the various branches of Government as well as to the governments of provinces, municipalities, autonomous regions and the Special Administrative Regions of Hong Kong and Macao, instructing them to comply with and implement the resolution. The circular stressed that the resolution, which prescribed mandatory measures adopted in accordance with Chapter VII of the Charter of the United Nations, was legally binding on all States. In order to fulfil China's international obligations, all relevant branches of Government must effectively implement the resolution by taking concrete measures appropriate to their particular situations. The circular called for the immediate freezing of funds and other financial assets or economic resources of individuals, groups, businesses and entities belonging to the Taliban and Al Qaeda; preventing members of the Taliban and Al Qaeda from entering or travelling through China; preventing the provision of arms materiel and military-related technical advice, assistance or training to members of the Taliban and Al Qaeda from China's territory, by Chinese nationals abroad, or using ships or aircraft flying China's flag. The circular has been published in the *State Council Gazette*.

The various branches of Government and the governments of the provinces, municipalities, autonomous regions and the special Administrative Regions of Hong Kong and Macao have all taken measures to implement the said resolution, and to date no violations of the resolution have been reported.

United Nations S/AC.37/2002/56

Security Council

Distr.: General
31 May 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 29 May 2002 from the Permanent Representative of Finland to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Finland presents her compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, with reference to his note dated 7 March 2002, has the honour to communicate the following information concerning the implementation of the United Nations sanctions against Usama bin Laden, members of the Al-Qaida organization and of the Taliban, as well as other individuals, groups, undertakings and entities associated with them as established by Security Council resolution 1390 (2002).

Freezing of assets

As a general rule, the imposition of financial sanctions and the implementation of United Nations Security Council resolutions imposing financial sanctions fall within the competence of the European Community. The respective United Nations resolutions are implemented in the Community through Council regulations, which are directly applicable legislation in the member States of the European Union.

On 27 May 2002, the Council of the European Union adopted a Common Position (2002/402/CFSP) concerning the restrictive measures against Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them.

Following the adoption of the above-mentioned Common Position, on 27 May 2002, the Council of the European Union also adopted a regulation (EC) No. 881/2002 imposing certain specific restrictive measures, in particular financial sanctions, directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, in accordance with the above-mentioned Security Council resolution 1390 (2002). The said Regulation and Common Position, which are enclosed for your information,* have been in force as from 29 May 2002.

* The enclosure referred to in the report is on file with the Secretariat, room S-3055, and is available for consultation.

02-40671 (E) 040602

At the national level, sanctions imposed by the Security Council or the European Union are implemented by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union ("Sanctions Act", 659/1967, as amended by the following acts: Nos. 705/1997, 191/2000 and 364/2002). The Act authorizes the implementation of binding Security Council resolutions and European Union sanctions imposed under certain provisions (articles 60, 301 or 308) of the Treaty establishing the European Union. According to chapter 46, section 1 (11) of the Finnish Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation adopted on the basis of articles 60, 301 or 308 of the Treaty establishing the European Community shall be sentenced for a regulation offence to a fine or to imprisonment for, at most, four years.

The Ministry of Foreign Affairs is responsible for the implementation and monitoring of financial sanctions. In the case of European Union sanctions, the Ministry of Foreign Affairs issues a notification to be published in the Statute Book informing of the sanctions and forfeitures to be imposed for violations of the relevant regulations. In the absence of European Union decisions, binding Security Council sanctions resolutions are implemented by an implementing decree. The financial supervision authority is requested to provide information to the Ministry of Foreign Affairs on any suspicious accounts or any decisions made by financial institutions under its supervision to freeze accounts of targeted individuals or entities.

Thus far accounts belonging to the persons designated by virtue of Security Council resolutions 1267 (1999) and 1333 (2000) have not been found in Finland.

Travel ban

The above-mentioned Common Position (2002/402/CFSP) obliges the Member States, inter alia, to take the necessary measures to prevent the entry into, or transit through, their territories of individuals as designated by the Security Council Committee established pursuant to resolution 1267 (1999). The competent Finnish officials are informed of the obligations under resolution 1390 (2002) and the Common Position. No visas for entry into Finland are issued to such designated individuals.

Arms embargo

The Common Position mentioned above prohibits the direct or indirect supply, sale and transfer to the individuals designated by the Committee established pursuant to resolution 1267 (1999) of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, from the territories of the States members of the European Union or using their flag vessels or aircraft, or by nationals of the States members of the European Union outside their territories, under the conditions set out in Security Council resolution 1390 (2002).

The Common Position, and also the above-mentioned regulation, prohibit the granting, selling, supply or transfer, directly or indirectly, of technical advice, assistance or training related to military activities, including, in particular, training and assistance related to the manufacture, maintenance and use of arms and related

materiel of all types, to any natural or legal person, group or entity designated by the Security Council Committee.

At the national level, the arms embargoes imposed by the Security Council or the European Union are implemented by virtue of the Act on the Export and Transit of Defence Materiel (Act No. 242/1990, as amended by Act No. 197/1995). According to section 7 of the Act, a person who commits an export crime shall be fined or imprisoned for a maximum period of four years. As for the obligations generating from the Regulation, the sanctions act is also applicable.

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Security Council

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31 May 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 30 May 2002 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Macedonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, with reference to the note of 7 March 2002, from the Chairman of the Committee, has the honour to communicate the following information in connection with the request contained in Security Council resolution 1390 (2002), in particular paragraphs 2.6 and 8.

The Permanent Mission would appreciate it if the text of the present note could be circulated as a document of the Security Council.

1. The Republic of Macedonia has no relations with the Taliban or with members of the Al-Qaida organization or other individuals, groups, undertakings or entities associated with them.

2. All the relevant ministries and other State institutions in the Republic of Macedonia involved in the implementation of the measures imposed by Security Council resolution 1390 (2002) were duly informed of their obligations, in particular the Ministries of the Interior, Defense, Finance and Justice, the National Bank and the State Customs Authority.

3. Accordingly, the Ministry of Finance and the National Bank have issued instructions to their subordinate bodies to take into consideration the names of individuals and entities associated with terrorism and to identify and freeze their assets eventually. However, no accounts or financial assets' belonging to such persons or groups have been identified as yet, nor has any case of Macedonian export or import of whatever goods to or from Afghanistan been registered.

4. The Macedonian Government has also undertaken all practical measures to ensure the implementation of the provisions of paragraph 2 (c) of Security Council resolution 1390 (2002) concerning supplying, selling and transferring to terrorists and terrorist organizations arms and related

02-40838 (E) 040602

materiel of all types, including technical advice, assistance or training related to military activities.

5. Upon receiving the recommendations from the Committee, the State Customs Authority of the Republic of Macedonia has prepared and distributed its own custom regulations, which are in conformity with resolution 1390 (2002). In case some shipment of goods to or from Afghanistan occurs in the future, inconsistent with the provisions of resolution 1390 (2002), the Customs Authority will resolutely undertake all the necessary activities and measures to stop these kind of transactions and will promptly inform the Committee.

6. The individuals and groups referred to in resolution 1390 (2002) are forbidden to enter into and to transit through the territory of the Republic of Macedonia. To date, the Ministries of Interior and Defense of the Republic of Macedonia do not have any new information on activities of members of Al-Qaida and other individuals, groups, undertakings and entities associated with them in this regard.

7. It should also be noted that certain measures of intensified border control and monitoring of alien visitors and residents in the Republic of Macedonia are being carried out in pursuance of paragraph 2 (b) of resolution 1390 (2002).

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Security Council

Distr.: General
4 June 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 4 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

At the request of my Government, I have the honour to transmit to you in your capacity as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) the report to be submitted by the Principality of Andorra to the Committee.*

My Government will be happy to provide the Committee with additional information, as it considers necessary.

(*Signed*) Jelena Piá **Comella**
Chargé d'affaires a.i.

* The annexes referred to in the report are on file with the Secretariat, room S-3055, and are available for consultation.

02-41367 (E) 100602 100602

Annex to the letter dated 4 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report on the implementation of Security Council resolution 1390 (2002)

Introduction

On 16 January 2002, the Security Council adopted resolution 1390 (2002) to follow up its other resolutions on the sanctions imposed on Afghanistan. Paragraph 6 thereof requests all States to report to the Committee on the steps they have taken to implement those resolutions.

The Principality of Andorra has a longstanding tradition of peace and has always expressed its rejection of all forms of terrorism. The following report indicates Andorra's willingness to cooperate with the United Nations in combating all forms of terrorism, as has often been reaffirmed by the head of Government, Mr. Marc Forné, and by the Minister for Foreign Affairs, Mr. Juli Minoves. This report is also based on close cooperation among all the relevant departments, namely, the Ministry of Justice and the Interior, the Unit for the Prevention of Money-Laundering (UPB), the police forces and the Ministry of Foreign Affairs.

We remain fully at the disposal of the Committee established by resolution 1267 (1999) to furnish any further information it may require, and we are open to all recommendations.

(1) *All legislative and/or administrative measures taken in order to freeze the funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in paragraph 2 of resolution 1390 (2002), including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and to ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.*

The following articles of the Act on Cooperation in International Penal Matters and in Combating the Laundering of Money or the Proceeds of International Crime of 29 December 2000 set forth the accepted procedure for the freezing of funds and other financial assets. Article 38 provides for international judicial cooperation in respect of requests for the confiscation of the instruments of a crime or the proceeds, money, assets or goods acquired thereby. Article 47 provides that the Unit for the Prevention of Money-Laundering (UPB) may order the freezing of the operation on a provisional basis, if it deems that the evidence so warrants, during which time UPB must refer the action to the Attorney General's Office if the evidence is confirmed.

Accordingly, and as set forth in its regulation 3-2-b, UPB may issue technical communiqués to obligors (article 45 of the law) so that they may take the relevant steps to anticipate and prevent the laundering of capital. When such communiqués

are of general interest, they may be published in the *Official Gazette* of the Principality of Andorra.

The obligors are defined in the following excerpt:

"Andorran financial institutions and insurance and reinsurance companies and other physical or moral persons who, in the exercise of their occupational or entrepreneurial activity, carry out or provide advice on operations involving movements of money or assets that could be used for purposes of laundering, shall be subject to the obligations set forth in this Act; these include, in particular:

(1) External accountants and tax assessors;

(2) Real estate agents;

(3) Notaries and members of other independent legal professions who:

- Participate in the planning or execution of operations for their clients in the framework of the following activities:

  (a) Purchase and sale of real estate or commercial enterprises;

  (b) Handling of liquid money, securities or other client assets;

  (c) Opening or management of banking accounts, savings accounts or securities;

  (d) Organization of the necessary inputs for the establishment, management or administration of firms;

  (e) Constitution, management or administration of firms, trusts or similar structures;

- Or act on behalf of their clients in any financial or real estate transaction whatsoever.

(4) Sellers of articles of great value, such as precious stones and metals, where the payment is made in liquid money in an amount equal to or greater than €15,000, or the equivalent in any other currency."

In that regard, and following the recommendations of resolutions 1267 (1999), 1333 (2000) and 1390 (2002), UPB has prepared two technical communiqués (in October and November 2001[1]), listing physical and moral persons who are in contact with companies and organizations linked to Osama bin Laden, Al-Qa'ida and other international terrorist groups. UPB has just issued a third technical communiqué identifying persons who have not yet been listed and who are referred to in Security Council resolutions.[2]

In response to these communiqués, UPB has received replies from the persons in question confirming the non-existence of accounts in the name of the persons or entities included in the two above-mentioned lists.

[1] Annexes 1 and 2.
[2] Annex 3.

(2) *All measures taken to prevent the entry into or the transit through their territories of the individuals referred to in the list mentioned in paragraph 2 of resolution 1390 (2002).*

The geographical features of Andorra make it impossible for the country to have its own air access. Moreover, Andorra's location in the middle of the Pyrenees also makes sea access impossible.

Consequently, the only access to Andorra is by land, through only two entry points: on the north, the French-Andorran border, and on the south, the Spanish-Andorran border. For these reasons, persons arriving in Andorra have to pass through the border checkpoints of our neighbouring countries.

This does not prevent the Andorran police from again verifying that the individuals have the necessary travel documents, such as a passport, and even checking to see that they have enough money to travel in Andorra.

Nonetheless, since the 11 September attacks, the Andorran police, bearing in mind these events that shocked the whole world, have reinforced their border controls in order to detect the entry of possible terrorists into Andorra.

In addition, members of the police force have taken training courses in cooperation with the Spanish and French police to learn how to better detect the falsification of documents. Accordingly, to prevent the use of counterfeit passports, Andorra follows the rules established by the International Civil Aviation Organization (ICAO) concerning official travel documents. These rules have been followed since 19 April 1995, even before the admission of Andorra on 26 January 2001.

These security measures ensure strict surveillance and help prevent the use of counterfeit documents. The measures also apply to immigration visas.

Notwithstanding, the Penal Code contains a number of provisions concerning the counterfeiting, falsification or fraudulent use of documents, as follows:

- Anyone who falsifies a public or official document shall be penalized by five years' imprisonment (art. 148);
- In the case of falsification by a public servant in the performance of his or her duties, the penalty incurred shall be seven years' imprisonment (art. 149);
- Anyone who uses or, with full awareness, takes advantage of false documents shall be penalized by three years' imprisonment (art. 151). Such documents include identity papers, passports, drivers' licences, weapons permits or any other document normally issued by the competent authorities;
- The fraudulent or unjustified possession of any false document shall be penalized by imprisonment for two years and one month (art. 152);
- In cases where the false documents are blank, the penalty shall also be imprisonment for two years and one month (art. 153);
- The transfer, sale or provision of false documents shall be penalized by six years' imprisonment (art. 154).

In case of doubt, however, the Andorran police shall check with the operational information units.

In matters concerning visas, Andorra does not have its own legislation. In December 2000, however, the Principality signed an agreement with France and Spain, concerning the right of nationals of third States to travel and stay in the Principality, article 2 of which provides that the contracting parties agree to coordinate their legislation on the entry and stay of nationals of third States, taking into account, among other things, their own interests and their international undertakings. To that end, the contracting parties must regularly submit to each other a list of third States whose nationals are subject to visa requirements for a visit or stay of less than 90 days.

Nonetheless, if a person whose name is on the list mentioned in paragraph 2 of resolution 1390 (2002) enters Andorra in order to establish residence there, he or she must follow the procedure required for immigration purposes. Anyone who wishes to become a legal resident of Andorra must submit an application for immigration to the Immigration Service (Immigration Service Regulatory Decree of 15 February 1996, art. 1). The application may be rejected, however, pursuant to the Basic Decree on Immigration of 26 June 1980, which provides for a background check of the applicant, which may lead to the denial of authorization to immigrate (para. III-7).

Accordingly, the police services (art. 3 (c) and (d) of the Immigration Service Regulatory Decree) are authorized to check the judicial and police records of foreigners and the veracity of any official documents they may be carrying, and to enforce public policy in general.

If a person's application for immigration is rejected, he or she must leave Andorra immediately. If necessary, an order of expulsion and escort to the border may be issued under article 14.2 of the Viguiers Decree on alien residence of 3 July 1980. On 14 May of this year, however, the General Council adopted a new immigration act, which entered into force 90 days after its publication in the *Official Gazette* of the Principality of Andorra. This Act stipulates that certain personal criteria must be met for an immigration permit to be issued; for example, article 42 provides that anyone who applies for immigration must not represent a danger to the security of the State, persons or goods, or to public policy, while article 47 provides for the denial of authorization in cases where the documents or information provided have been falsified or omitted. (The same criteria will be applied to those residents who wish to renew their immigration permits.)

(3) *All measures taken to prevent the direct or indirect supply, sale and transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities.*

The Andorran legal system contains various provisions on arms trafficking. First, a decree enacted on 3 July 1989 sets forth regulations for the possession, utilization and circulation of firearms; more precisely, sections II and III list the prohibited arms and imitation arms and those which it is forbidden to carry.

Second, the Penal Code sanctions the unlawful possession of firearms (arts. 289 and 290). Thus, the storage, import, export, trade or transport, whether real or

assumed, through the Principality or manufacture of those prohibited weapons or imitations thereof which are referred to in article 2, section 2, of the decree of 3 July 1989, with the exception of those referred to in paragraph 8, is punishable by up to 10 years' imprisonment. Moreover, the illegal carrying of one or more weapons is punishable by up to five years' imprisonment (arts. 89 and 90).

Third, article 93 provides that the import, acquisition, sale, possession, carrying and repair of regulated weapons or the manufacture of regulated ammunition without an appropriate permit, authorization or licence is punishable by a maximum of three years' imprisonment, except in the cases stipulated in articles 289 and 290 of the Penal Code. Smooth-bore hunting rifles are excluded from the provisions of this article.

Similarly, article 95 provides that the illegal sale of regulated handguns to a non-resident of the Principality shall be punishable by up to four years' imprisonment. It also provides that anyone who conducts international transactions in respect of regulated weapons, with real or assumed transit through the Principality, shall be penalized by up to eight years' imprisonment. Similarly, concerning explosives, the purchase, sale, possession or import of explosives not intended for use in an authorized activity is punishable by up to 10 years' imprisonment (arts. 96 and 98, respectively).

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Security Council

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5 June 2002

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 5 June 2002 from the Permanent Mission of Pakistan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan and has the honour to enclose a copy of Pakistan's report pursuant to Security Council resolution 1390 (2002) (see annex).

A copy of the aforementioned report was forwarded to the Chairman of the Monitoring Group on Afghanistan pursuant to resolution 1390 (2002) on 15 April 2002.

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Annex to the note verbale dated 5 June 2002 from the Permanent Mission of Pakistan to the United Nations addressed to the Chairman of the Committee

Report of the Islamic Republic of Pakistan pursuant to Security Council resolution 1390 (2002)

The Government of Pakistan is committed to fully implementing the provisions of United Nations Security Council Resolution 1390 (2002). Pakistan condemns terrorism in all its forms and manifestations, including State terrorism.

2. Pakistan is an important member of the international coalition in the fight against terrorism since the 11 September terrorist attacks in the United States.

3. Combating terrorism has been one of the major policy objectives of the present Government since Pakistan itself has been a victim of this menace for many years. Our fight against terrorism precedes the 11 September terrorist attacks in the United States.

4. Details of administrative and legislative measures taken by the Government to combat terrorism are contained in Pakistan's compliance report rendered pursuant to UN Security Council resolution 1373 (2001).

5 A list of measures against terrorism initiated by the Government is summarized below.

Pre-September 11 Measures

- Establishmem of Anti-Terrorism Courts for speedy trial of terrorist cases.
- Signing of Extradition treaties with 27 countries to track down and apprehend terrorists and other criminals..
- Sharing of information with other countries and Interpol.
- Banning sectarian organizations involved in sectarian violence such as Lashkar-e-Jhangvi and Sipah-e-Muhammad.
- Launching a de-weaponization campaign to collect illegal weapons throughout the country.
- Ratification of nine international anti-terrorism conventions.

Post-September 11 Measures

- The national security agencies have been put on high alert to combat terrorism.
- Increased security and patrolling along the Pakistan-Afghanistan border.
- Arrest of a number of terrorist suspects.
- Increased security at airports including more rigorous checking of personnel and cargo
- Tighter visa policy to check the infiltration of terrorists.

- Freezing of assets and accounts of individuals and entities involved in terrorism in pursuance of UN Security Council resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001) and 1390 (2002).
- Setting up of a special working group on money laundering.
- Increased cooperation and coordination with the international community in anti-terrorism activities.
- Setting up of a focal point in the Ministry of Foreign Affairs, to coordinate efforts for implementation of the UN anti-terrorism conventions and resolutions.

DETAILED REPORT

6. In accordance with Para 2 of Resolution 1390 (2002), the Government of Pakistan has taken the following measures "with respect to Osama bin Laden, members of the Al-Qaeda organization and the Taliban and other individuals, groups, undertaking and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999)...."

Operative Paragraph 2(a)

Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf of at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory;

7. The State Bank of Pakistan (SBP) has issued directives/advisories to all banks and financial institutions to freeze the accounts of the individuals/organizations/entities suspected of involvement in terrorist activities in accordance with the lists received from the UN Sanctions Committee and US Department of State. Also, a working group has been constituted by the Ministry of Finance to draft a legal framework for effectively curbing money laundering activities in the country. The working group comprises concerned Ministries and organizations including the Securities and Exchange Commission of Pakistan and the State Bank of Pakistan.

8. To combat financing for terrorism, the State Bank of Pakistan has formulated a number of regulations to regulate the operations of banks and Non-Banking Financial institutions. These include:

a) Prudential Regulation XI requiring banks to institute effective procedures to determine the true identity of every would-be account holder.

b) Prudential Regulation XII and Rules of Business 22, outlining guidelines to banks and NBFIs for preventing money laundering activities and other unlawful trades by establishing procedures for

ascertaining status and source of earnings of the customers and regular monitoring of accounts and suspicious transactions.

9. All the banks are compliant with the Core Principle 15 developed by the Basel Committee on Banking Supervision which requires banking supervisors to determine that banks have adequate policies, practices and procedures in place to prevent the banks being used by criminal elements.

Operative Paragraph 2(b & c)

Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Committee determines on a case by case basis only that entry or transit is justified;

Prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

Visa, Entry and Exit Points Control

10. Following the September 11 terrorist attacks, border controls have been tightened. The Federal Investigation Agency (FIA) has been directed to exercise strict vigilance on all entry points to ensure implementations of UN Security Council resolutions.

11. The Immigration check post at Karachi has been equipped with modern gadgets under the PISCES programme to monitor the entry/exit of suspected individuals. Automatic screening of passengers is being extended at 18 airports or entry/exit points to stop such persons from entering into Pakistan.

12. Entry into Pakistan is being strictly regulated through visas issued by Pakistan Embassies and no entry into the country is allowed without a valid visa.

13. In case of suspicion, visitors to Pakistan are asked to report to the nearest Foreigners Registration Office for registration as provided in the registration of Foreigners Rules. A stamp to this effect is affixed on their passports. They are also required to obtain exit permit from the Foreigners Registration Office before leaving the country. Such persons are subjected to strict scrutiny at airports at the time of departure.

14. Joint Interrogative Teams (JIT) have been set up to prevent illegal border crossings along the Pakistan-Afghanistan border. Home Departments of the NWFP and Baluchistan

Provinces are maintaining records including photographs of all foreigners as well as Pakistanis returning from Afghanistan

15. Surveillance of the border areas have been beefed up with the help of air-surveillance in NWFP and Baluchistan and deployment of regular army troops along the Pakistan-Afghanistan border.

16. In order to deal with illegal immigrants, National Aliens Registration Authority (NARA) was set up in January 2001 under the Foreigners (Amendment) Ordinance 2000. This authority is responsible for the registration of foreigners and issuance of work permits to aliens seeking employment in Pakistan.

17. Pakistan has laid down the following special procedures for Hajj to ensure against illegal exit/entry:

a) Only Pakistani nationals can apply for Hajj under Regular and Sponsorship schemes on computerized Hajj applications. Photographs of pilgrims are scanned and provided to concerned organizations including security agencies for their use.

b) Pilgrims are grouped on the basis of their place of departure, and category of accommodation.

c) Hajj passports are prepared by the Pakistan Security Printing Corporation and are handed over to pilgrims 48 hours before departure to Saudi Arabia.

Anti-Terrorism and Crime Prevention Measures

18. The Anti-Terrorism Act 1997 (Amended in 2001) provides a legal framework for the suppression of terrorist offences.

19. In order to regulate and supervise the sectarian groups, a National Data Base has been created containing complete information about sectarian parties, leaders, activists, criminals, sectarian cases, blasphemy cases etc.

20. The National Central Bureau, Pakistan has been designated as the national focal point for international crime prevention and sharing information with United Nations Center for International Crime Prevention and Drug Control. The Bureau has been responding to references relating to terrorism received from foreign missions in Islamabad and INTERPOL.

21. The Government has formulated an Arms Control Policy to counter the proliferation of illegal weapons. The salient features of the Policy are as follows:

a) Ban on Brandishing/Display of Weapons was enforced on 1st March 2000. Defaulters were awarded strict punishments.

b) Ban on issuance of Arms Licenses was imposed on 15 February 2001.

c) In June 2001, the Surrender of Illicit Arms Act, 1991 was enforced throughout Pakistan. The Acts lays down severe punishments including life imprisonment and confiscation of property for violators.

d) Arms recovery campaign was launched on 1st June, 2001. A total of 125,990 arms have been retrieved so far under this operation.

e) A positive list of weapons has been approved for the issuance of arms licenses.

f) Re-registration/revalidation of arms in Islamabad and Punjab is being started as Model Projects with the assistance of UNDP and a Database of Arms licenses will be created by Islamabad Capital Territory with the help of National Database and Registration Authority.

g) Before issuance of new arms licenses following actions will be completed:

I) Creation of database of Arms Dealers.
II) Computerization of old record of Arms Licenses.
III) Re-registration/revalidation of existing Arms Licenses.
IV) Introduction of new License book with security features.

22. The Provincial Governments have been directed to ensure that the supply and sale of arms and related material of all types should be prevented to the individuals/entities declared terrorists.

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Security Council

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11 June 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 10 June 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Turkey to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1267 (1999) concerning Afghanistan and, with reference to the note of 7 March 2002 from the Chairman of the Committee, has the honour to forward the report of Turkey in accordance with resolution 1390 (2002) (see annex).

02-42286 (E) 140602

Annex to the note verbale dated 10 June 2002 from the Permanent Mission of Turkey to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to resolution 1267 (1999)

Turkey has various pieces of legislation that contain provisions, which may apply to prevent and suppress the financing of terrorist acts. Detailed information on this issue has been provided with the report of Turkey to the Security Council Committee established pursuant to resolution 1373 (2001). The present report contains further data as requested by Security Council resolution 1390 (2002).

The Security Council, by its resolution 1390 (2002), decided to continue the application of the measures imposed by paragraph 4 (b) of resolution 1267 (1999) in accordance with paragraph 2 of resolution 1390 (2002).

The Council of Ministers of Turkey, in accordance with Security Council resolutions 1267 (1999), 1333 (2000) and 1373 (2001), decided to freeze all rights, credits and claims, including the enclosure of safe-box deposits at the banks, other financial institutions, real persons and legal entities in Turkey, and all assets, which belong to the terrorist individuals, organizations or entities included in the annexed list. The same decree also provides that all transactions with regard to the said assets will be subject to the authorization of the Ministry of Finance. The Annex to the decree of the Council of Ministers, 2001/3483, dated 22 December 2001, is attached herewith.*

It should be noted that work is under way to update the aforementioned decree.

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* The enclosure referred to in the report is on file with the Secretariat, room S-3055, and is available for consultation.

United Nations S/AC.37/2002/61

Security Council

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11 June 2002
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 10 June 2002 from the Permanent Mission of Ukraine to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit herewith the report on the measures that Ukraine has taken to implement resolution 1390 (2002) (see annex).

02-42550 (E) 180602 190602

Annex

[Original: Russian]

Decision No. 749 of the Cabinet of Ministers of Ukraine of 1 June 2002 "On the implementation of the United Nations Security Council resolutions concerning Osama bin Laden, al-Qa`idah and the Taliban movement (Afghanistan)"

In connection with the adoption by the United Nations Security Council of resolutions 1388 (2002) of 15 January 2002 and 1390 (2002) of 16 January 2002, the Cabinet of Ministers of Ukraine instructs:

1. Ministries and other central and local organs of executive power:

To ensure the continued implementation of the requirements of Security Council resolutions 1267 (1999) of 15 October 1999 and 1333 (2000) of 19 December 2000, pursuant to decision No. 351 of the Cabinet of Ministers of Ukraine of 11 April 2001 "On the implementation of the United Nations Security Council resolutions concerning the Taliban movement (Afghanistan)", taking into account the requirements of Security Council resolutions 1388 (2002) of 15 January 2002 and 1390 (2002) of 16 January 2002.

2. The State Committee on the Protection of the State Frontier, the Ministry of Internal Affairs, the Ministry of Transport and the Security Service:

To take steps to prevent the entry into or transit through the territory of Ukraine of individuals associated with Osama bin Laden with members of al-Qa`idah and with the Taliban movement, in accordance with the list drawn up by the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999 concerning Afghanistan (hereinafter referred to as the Security Council Committee).

3. The Ministry of Foreign Affairs:

To transmit to central and local organs of executive power and to the National Bank the texts of Security Council resolutions 1388 (2002) of 15 January 2002 and 1390 (2002) of 16 January 2002 and to provide them with the list of individuals, groups, enterprises and organizations associated with Osama bin Laden, with members of al-Qa`idah and with the Taliban movement, drawn up by the Security Council Committee.

4. To delete the words "Ariana Afghan Airlines" in paragraph 6 of decision No. 351 of the Cabinet of Ministers of Ukraine of 11 April 2001 (*Official Bulletin*, 1999, No. 51, p. 2543).

Report on measures taken by Ukraine to implement Security Council resolution 1390 (2002)*

In connection with the adoption by the Security Council of resolution 1390 (2002), the Cabinet of Ministers of Ukraine adopted decision No. 749 of 1 June 2002 "On the implementation of the United Nations Security Council resolutions concerning Osama bin Laden, al-Qa'idah and the Taliban movement (Afghanistan)", in which ministries and other central and local organs of executive power are instructed to ensure the strict implementation of the provisions of Security Council resolution 1390 (2002).

I. Paragraph 2 (a)

For the purpose of implementing the requirements of Security Council resolutions 1267 (1999), 1333 (2000), 1373 (2001) and 1390 (2002) and of decision No. 351 of the Cabinet of Ministers of Ukraine of 11 April 2001 "On the implementation of the United Nations Security Council resolutions concerning the Taliban movement (Afghanistan)", decision No. 1800 of 28 December 2001 "On measures to implement United Nations Security Council resolution 1373 (2001) of 28 September 2001" and decision No. 749 of 1 June 2002 "On the implementation of the United Nations Security Council resolutions concerning Osama bin Laden, al-Qa'idah and the Taliban movement (Afghanistan)", the National Bank of Ukraine regularly brings to the attention of all Ukrainian banks the lists maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan of individuals and entities involved in the activities of Osama bin Laden, al-Qa'idah and the Taliban movement. The National Bank of Ukraine has obliged Ukrainian banks to carry out checks of all open bank accounts (including in the banks' structural subdivisions) for the purpose of identifying accounts (including encoded accounts) belonging to the aforementioned individuals and entities and accounts from or to which funds have been transferred to or from those individuals and entities. In the event that such accounts are discovered, banks are obliged to take steps to suspend without delay banking operations in respect thereof.

For the purpose of implementing Security Council resolution 1390 (2002), the Security Service of Ukraine has taken a number of organizational, practical and operational-investigative measures aimed at discovering and blocking the movement of financial and material resources intended for radical Muslim groups of an Islamic orientation. Checks have been conducted on the presence in Ukrainian banking institutions of accounts and financial assets, in accordance with the aforementioned lists maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan, in order to ensure the implementation of the relevant Security Council resolutions.

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* Based on paragraph 5 of the guidance for the submission of reports by States pursuant to Security Council resolution 1390 (2002) and guided by the understanding that, in accordance with paragraph 5 (f) of resolution 1390 (2002), the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan will cooperate with the other Sanctions Committees, including the Counter-Terrorism Committee, Ukraine has not reproduced in this report information previously submitted to the Counter-Terrorism Committee.

There have been no established instances of Ukrainian commercial structures being used for the accumulation or laundering of funds belonging to international terrorist and religious extremist organizations, or of terrorist organizations being financed with the assistance of the Ukrainian banking system.

II. Paragraph 2 (b)

Pursuant to paragraph 2 of decision No. 749 of the Cabinet of Ministers of Ukraine of 1 June 2002 "On the implementation of the United Nations Security Council resolutions concerning Osama bin Laden, al-Qa`idah and the Taliban movement (Afghanistan)", the State Committee on the Protection of the State Frontier of Ukraine, the Ministry of Internal Affairs, the Ministry of Transport and the Security Service of Ukraine have been instructed to take steps to prevent the entry into or transit through the territory of Ukraine of individuals, groups, enterprises and organizations associated with Osama bin Laden, with members of al-Qa`idah and with the Taliban movement, in accordance with the list drawn up by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan.

For the purpose of implementing the aforementioned provision of decision No. 749 of the Cabinet of Ministers of Ukraine of 1 June 2002 and paragraph 2 (b) of Security Council resolution 1390 (2002), the State Committee on the Protection of the State Frontier of Ukraine has established and is continuously updating a database on persons who, in accordance with established procedure, have been prohibited from entering or transiting through the territory of Ukraine.

III. Paragraph 2 (c)

Ukraine has an efficient system for the control of international transfers of goods intended for military use and dual-use items. Under the control procedure, particularly when export applications are being considered, import certificates are required and, in individual cases, delivery confirmation certificates, as well as documents confirming the end user of the goods and undertakings relating to the end use.

In accordance with decision No. 1800 of the Cabinet of Ministers of Ukraine of 28 December 2001 "On measures to implement United Nations Security Council resolution 1373 (2001) of 28 September 2001", the State Export Control Service of Ukraine, where necessary, conducts checks, in collaboration with the Security Service and the Ministry of Foreign Affairs of Ukraine, to ensure that the parties to contracts relating to international deliveries of the aforementioned goods are not involved in terrorist groups.

The State Export Control Service of Ukraine has developed a database for entering information relating to individuals and entities suspected of involvement in terrorist activities, particularly individuals, groups, enterprises and organizations associated with Osama bin Laden, with members of al-Qa`idah and with the Taliban movement, in accordance with the list drawn up by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan.

7 June 2002

United Nations S/AC.37/2002/62

Security Council

Distr.: General
12 June 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 12 June 2002 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations addressed to the Committee

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999) and, with regard to the implementation of Security Council resolution 1390 (2002), has the honour to present a report as follows:

The Government of the Democratic People's Republic of Korea maintains the consistent position of opposing all forms of terrorism and whatever support to it. Such position of the Government of the Democratic People's Republic of Korea has been clearly stated on a number of occasions including its statement made on 5 October 2001 at the 21st plenary meeting of the fifty-sixth session of the General Assembly under agenda item 166 entitled "Measures to eliminate international terrorism", and its report (S/2001/1248) submitted to the Security Council Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001).

The Government of the Democratic People's Republic of Korea has no relations at all with the Taliban and Al-Qaida organization or any other individuals, groups, undertakings and entities associated with them. Therefore, there are no funds and other financial assets or economic resources belonging to the Taliban and Al-Qaida organization or any other individuals, groups, undertakings and entities associated with them in the Democratic People's Republic of Korea.

The Government of the Democratic People's Republic of Korea has never permitted entry into and transit through its territory of those individuals or groups mentioned in resolution 1390 (2002). Nor has any request for such purpose been received so far.

The Government of the Democratic People's Republic of Korea prohibits the direct and indirect supply, sale and transfer of arms and related materials of weapons and ammunitions to the Taliban and Al-Qaida organization or any other individuals, groups, undertakings and entities associated with them.

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United Nations S/AC.37/2002/63

Security Council

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17 June 2002
English
Original: French

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 13 June 2002 from the Permanent Mission of Mali to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mali to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, in reply to his note of 7 March 2002, has the honour to inform him of the measures taken by the Government of Mali to implement Security Council resolution 1390 (2002).

1. The information available to the Government leads it to conclude that in Mali there are no funds or other financial assets or economic resources belonging to the individuals, groups or entities referred to in resolution 1390 (2002), or funds derived from property owned or controlled, directly or indirectly, by them. Nevertheless, the national financial and banking institutions have been requested to declare, if the case arises, any funds, financial assets or other economic resources belonging to Osama bin Laden, members of the Al-Qa`idah organization, the Taliban and other individuals, groups or entities associated with them, and to freeze them without delay.

2. The persons, entities and groups referred to in resolution 1390 (2002) are prohibited from entry into or transit through the territory of the Republic of Mali.

3. With respect to paragraph 2 (c) of resolution 1390 (2002), which mentions the direct or indirect supply, sale and transfer of arms and related materiel of all types, Malian law severely punishes any infractions of arms regulations, and the bearing, sale and circulation of arms are strictly controlled.

Mali does not manufacture firearms, munitions or other weapons of destruction. On its initiative, however, the Heads of State and Government of the Economic Community of West African States (ECOWAS) declared a moratorium on the import, export and manufacture of light weapons in West Africa. This moratorium has served as a model for Africa, and has inspired the establishment of other initiatives in other subregions, particularly southern Africa and the Horn of Africa.

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Security Council

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18 June 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 June 2002 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Committee established pursuant to resolution 1267 (1999) and has the honour to transmit the Austrian Report to the Committee established pursuant to resolution 1267 (1999) on the implementation of paragraph 6 of resolution 1390 (2002) of 16 January 2002 (see annex).

02-43127 (E) 190602

Annex to the note verbale from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

REPORT BY AUSTRIA TO THE COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1267 (1999) ON THE IMPLEMENTATION OF PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1390 (2002) OF JANUARY 2002

United Nations Security Council Resolution 1390 (2002) requests all States to report to the Sanction Committee within 90 days from the date of adoption of this resolution on the steps they have taken to implement the measures required.

Since many provisions of this resolution have to be implemented by EU legislation, Austria, a member State of the European Union, decided to wait with the submission of her report until this EU legislation is in place. (The relevant EU legislation is attached as Annex to this report)

The present report is set out according to the outline of paragraph 2 of UNSCR 1390 (2002).

2 (a) Measures taken for freezing of funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensuring that neither these or any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by any persons within their territory

To implement UNSCR 1390 (2002), the European Union adopted Council Regulation (EC) No 881/2002 on 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (see Annex A). This regulation provides for the freezing of all funds and economic resources belonging to, or owned or held by, a natural or legal person, group or entity designated by the Sanctions Committee and listed in the Annex to the regulation. This annex will be amended based on decisions made by either the UNSC or its Sanctions Committee.

All EC Regulations are directly applicable and binding in Austria.

Several suspicious transactions have been checked in order to ensure that no connection with terrorists referred to in the abovementioned list exists. Up to now, no such connection, has been identified.

2 (b) Measures taken to prevent the entry into or the transit through their territories of these individuals, provided that noth..ig in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case by case basis only that entry or transit is justified

* The enclosure referred to in the report is on file with the Secretariat, room S-3055, and is available for consultation

Concerning the prevention of entry or the transit through territories of individuals who fall under the scope of UNSCR 1390 (2002), the Austrian Aliens Act as well as other relevant national legislations already fulfil these requirements. In this respect, as one among many responses to the terrorist attacks of 11 September 2001, the Austrian Federal Ministry of the Interior gave instructions for compulsory consultation of the Ministry in case of visa and residence permit applications from 21 countries.

For nationals of these countries and for persons holding travel documents issued by these countries (stateless persons, refugees, others),

- all visas – airport transit visa A, transit visa B, visa C, residence visa D, and geographically restricted visa (VrG) – and
- all permits (permission to settle and residence permit), independent of the fact whether it is a first application or an application for renewal,

may only be granted after approval by the Federal Ministry of the Interior.

Nationals of these countries and persons holding travel documents issued by these countries are to be checked more intensively when crossing the border. Passports and Schengen-visa have to be crosschecked in the national information system as well as in the Schengen Information System (SIS), even if these persons as family members of nationals of other Schengen States are normally exempt from checks. In these cases, border visa may only be granted after approval by the Federal Ministry of Interior.

The persons mentioned in the Council decision of 2 May 2002 are included in the national information system and in the SIS, as far as there are complete personal data provided. Otherwise only the Austrian missions abroad (embassies and consulates general) are informed. The incomplete data are not available for Austrian authorities because technically they cannot be included in the information systems.

Provisions for excluding or expelling such persons are laid down in the Austrian Aliens Act.

2 (c) Measures taken to prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts of the aforementioned and technical advice, assistance, or training related to military activities

According to article 3 of EU Council Regulation (EC) No 881/2002 (see Annex A) it is prohibited to grant, sell, supply or transfer, directly or indirectly, technical advice, assistance or training related to military activities, including in particular training and assistance related to the manufacture, maintenance and use of arms and related material of all types to any natural or legal person, group or entity designated by the Sanctions Committee listed in the Annex.

As stated under 2 (a), all EC Regulations are directly applicable and binding in Austria.

In addition to the EU legislation, domestic legislation applies. Under the Austrian Foreign Trade Act, the export of weapons is subject to export control. Concerning foreign trade with war material and procurement of war material, the War Material Act provides strict procedures with regard to granting permission. Furthermore, when issuing licences for exports of weapons to third countries, Austria applies the common standards of the EU Code of Conduct on arms exports. According to criterion 7 of the EU Code of Conduct licences will be refused, if there is the risk that the arms to be exported could be diverted to terrorist organizations.
As a consequence and in accordance with UNSCR 1390 (2002), no permission is granted to any of the individuals, groups, undertakings and entities referred to in the list created pursuant to resolution 1267 (1999), 1333 (2000) and 1390 (2002).

From the penal law side, the import, export or transfer of war material through Austrian territory constitutes a criminal offence, if necessary permissions have not been obtained or regulations prohibiting the export to certain countries have been violated. Even negligence would make the act punishable.